

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH BROWN,	:	Civil No. 1:21-CV-01828
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JOHN WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

Before the court is the report and recommendation of United States Magistrate Judge Martin C. Carlson recommending that the court grant in part and deny in part Defendants' motion to dismiss. (Doc. 68.) Specifically, Judge Carlson opines that Plaintiff misconstrues the scope of supervisory constitutional tort liability such that Defendants John Wetzel, Shannon Quegley, Kathy Brittain, and S. Kephart should be dismissed from this action. (*Id.*) However, Judge Carlson opines that Plaintiff has alleged facts sufficient at this stage as to Defendant Karen Holly to survive a motion to dismiss. (*Id.*) Plaintiff generally objects to the report and recommendation by rearguing his claims and disagreeing with Judge Carlson's conclusions. (Doc. 87.)

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de

novo determination of a magistrate's findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report." *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court's review is limited "to ascertaining whether there is 'clear error' or 'manifest injustice'" on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Carlson's report and recommendation and finds no clear error or manifest injustice on the face of the record. Plaintiff's objections merely express disagreement with Judge Carlson's analysis and attempt to rehash or restate arguments already considered and rejected by Judge Carlson in the thorough report and recommendation. Accordingly, **IT IS ORDERED**

THAT:

- 1) The report and recommendation, Doc. 68, is **ADOPTED** in its entirety;
- 2) Plaintiff's general objections, Doc. 87, are **OVERRULED**;
- 3) Defendants' motion to dismiss, Doc. 28, is **GRANTED IN PART AND DENIED IN PART**.
- 4) Plaintiff's complaint is **DISMISSED WITH PREJUDICE** as to Defendants John Wetzel, Shannon Quegley, Kathy Brittain, and S. Kephart.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: July 25, 2022